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5 Attorneys for Defendants, LOGICAL PLUS, INC. dba YKE, JOSEPH CHANG,
YEN NELSON YU and SHUTTLE PRODUCTS, INC.

**ORIGINAL
FILED**
DEC X 1 2009

*RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA*

11 SYMANTEC CORPORATION
12 Plaintiffs.

13 vs.

14 LOGICAL PLUS, INC., a New York
15 Corporation, aka Logical Plus.COM;
16 JOSEPH CHANG, an individual; YKE
17 INTERNATIONAL, INC., an entity of
18 unknown organizational form; YKE
19 INC., an entity of unknown
20 organizational form; SHUTTLE
21 PRODUCTS, INC., a California
22 Corporation; YEN NELSON YU, an
23 individual; and DOES 1-10, inclusive,

Defendants.

CASE NO.: NO. C06 07963SI
[Magistrate Judge James Larson]

**APPLICATION FOR
TELEPHONIC APPEARANCE**

DATE: December 4, 2009
TIME: 10:00 AM
DEPT.: F
U.S. COURTHOUSE
450 Golden Gate Avenue, 15th Fl.
San Francisco, California

21 Defendants LOGICAL PLUS, INC. dba YKE, JOSEPH CHANG, YEN
22 NELSON YU and SHUTTLE PRODUCTS, INC. hereby apply to the Court to be
23 excused from personally appearing at the Settlement Conference, and instead be
24 permitted to attend telephonically. Defendants make this request based on
25 substantial hardship. Defendant Joseph Chang has already been sanctioned for his
26 failure to personally attend the last Settlement Conference. Having paid those
27 sanctions and being fully aware of the likely sanctions for not attending this
28 Settlement Conference, Defendant Joseph Chang still cannot attend this Settlement

1 Conference. Defendant is trying his best to obtain settlement funds and traveling
2 from New York to San Francisco and the additional costs only reduces his ability to
3 gather funds for settlement.

4 Defendant Joseph Chang understands the position that the summary judgment
5 places him in, and he is making efforts to borrow money with which to settle with
6 plaintiff. However, that ability to borrow money is limited. He cannot present an
7 attractive settlement figure if he is asked to travel across the country to attend the
8 Settlement Conference.

9 Additionally, counsel for defendants also respectfully requests that the Court
10 excuse counsel from personally appearing at the Settlement Conference due to
11 financial hardship. Counsel will likely not be paid for travel expenses or time, due
12 to the financial dire straits of the defendants. Given the nature of defendants'
13 financial condition, personal appearance by the defendants is not the determining
14 factor in reaching settlement.

15

16 DATED: November 30, 2009 Respectfully submitted,

17

LYNBERG & WATKINS

18

19 By

20 PHILIP LO

21

22 Attorneys for Defendants LOGICAL
23 PLUS, INC., LOGICAL PLUS, INC., dba
YKE YEN NELSON YU and SHUTTLE
PRODUCTS, INC.

24

DENIED

25


26 James Larson
27 United States Magistrate Judge

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